REMARKS

Claims 245, 248-251, 253-255, 260, 264, 265, 268, 270, 272, 284, 288-290, 296, 299, 303-304, 308-313 and 317-323 are pending in the above-referenced application. Claims 246-247, 252, 256-259, 261, 263, 266-267, 269, 271, 273-283, 285, 291-295, 297-298, 300-302, 305-307 and 314-316 have been canceled.

As will be discussed in further detail below, claim 245 has been amended to advance prosecution and is not to be perceived as acquiescence to the Examiner's position set forth below. Applicants reserve the right to file subsequent continuation and/or divisional applications on canceled subject matter. Specifically, claim 245 has been amended to incorporate the subject matter recited in claims 252 and 256. As will be discussed in further detail below, claim 245 has also been amended to recite that the primary nucleic acid construct acts as a template for the synthesis of a secondary nucleic acid which acts as a template for the synthesis of a gene product. Support for amended claim 245 can be found on pages 90-100 (the section entitled "5. Hairpin Construct"). Specifically, "primary nucleic acid constructs" are described in this section, particularly on pages 90-91. The description of the primary nucleic acid construct as a template for the synthesis of a secondary nucleic acid and the use of a secondary nucleic acid as a template for the synthesis of a gene product is provided on pages 97-100. Specific examples are provided in Examples 21 (production of antisense nucleic acid , pages 157-159), 22 (production of sense nucleic acid, page 159), 24 (production of mRNA, pages 160-161) and illustrated in, for example, Figure 34. Claims 251, 254 and 264 have been amended in view of the amendment to claim 245; reference to "tertiary nucleic acid has been deleted. Claim 253 has been amended to change its dependency to claim 245 in view of the cancellation of claim 252.

Additionally, as will also be discussed in further detail below, claim 265 has been amended to advance prosecution and is not to be perceived as acquiescence to the Examiner's position set forth below. Applicants reserve the right to file

subsequent continuation and/or divisional applications on canceled subject matter. Specifically, claim 265 has been amended to recite that the isolated nucleic acid construct when present encodes a nuclear localization sequence containing at least two snRNA stem loops and a reimportation signal and antisense nucleic acid. As will be discussed in further detail below, claim 265 is supported by the specification on pages 101-104, example 26 (pages 162-164) and Figure 41. Claim 268 has been amended to delete the reference to sense nucleic acid in view of the amendment of claim 265. Furthermore, claims 268, 270, 272, 290 have been amended to be directed to the construct of claim 265; claim 296 has been amended to be directed to the construct of claim 290. As will be discussed in further detail below, claim 290 has been amended to recite that the construct is introduced into the cell ex vivo.

Claim 299 has also been amended to advance prosecution and is not to be perceived as acquiescence to the Examiner's position set forth below. Applicants reserve the right to file subsequent continuation and/or divisional applications on canceled subject matter. Specifically, claim 299 has been amended to incorporate the subject matter of claims 305 and 307 and to more distinctly claim that which Applicants regard as their invention. Amended claim 299 is supported by the specification on pages 104-110 (section 7-multicassettes), examples 27, 28 and 29 (pages 164-167) and Figure 44. Claims 303-304 were amended to be directed to "The construct of claim 299.." and refers to the nucleic acid in said construct. Claims 308-309 have also been amended to be directed to "The construct of claim 299..". Claims 310-312 have been amended to recite "The construct of claim 309...".

1. The Restriction Requirement

Applicants still respectfully traverse the Restriction Requirement. However, Applicants do note that claims 318-323, though withdrawn from consideration would be subject to rejoinder once there is an indication of allowable subject matter in the product claim, claim 245, with respect to claims 318-320 and claim 299, with respect to claims 321-323 in view of MPEP §821.04(a).

2. The Rejection Under 35 USC §112, First Paragraph (Written Description)

Claims 265, 268, 270, 284, 286-290, 296-299, rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states

> The specification as originally filed is not considered to support the language of claim 265 drawn to producing a gene "from an snRNA promoter", or the language drawn to "a portion of snRNA which comprises at least two stem loops present at the 3' end of native snRNA". This is because no teaching of an snRNA promoter in the context of the present invention is apparent in the specification and one of skill would not divine its presence in the lack of such a teaching. It follows that any reference to a 3' stem loop structure of the snRNA is also lacking. While the specification does teach a reference to snRNA, the reference to snRNA as recited in the original claims and specification as filed is contemplated as a potential nucleic acid "sequence of interest" and not as a localizing entity, as now instantly recited [see originally filed claim 265, which recites a compound comprising 1) a portion of *localizing entity* and 2) a nucleic acid *sequence of interest*]. In contrast, the instant claims now recite the snRNA entities as part of a localizing entity, rather than the sequence of interest as originally disclosed. Thus the context in which the snRNA now appears is what necessitates its rejection as constituting new matter.
>
> In fact, the instant claim refers to the snRNA as not only a localizing entity, which is considered new matter for reasons described above, but now additionally refers to the snRNA as a "*nuclear localization*" sequence. The only apparent reference to a "*nuclear* localization" sequence appears in originally filed claim 269, and specifies that the nuclear localization sequence must be a sequence of interest, and not a localizing entity. Therefore, the use of a nuclear localizing sequence as a localizing entity is also considered to comprise new matter, since it was heretofore apparently contemplated only as a "sequence of interest'.
>
> Similarly, there is no apparent reference in the specification as filed to a reimportation signal, nor to C or D loops of U1 snRNA. One skilled in the art with therefore not consider

> reimportation signals nor C or D loops as part of the originally contemplated invention, and references thereto are considered new matter.
>
> Finally, claimed 299 recites compounds that produce sequences that bind to specific portions of one or more mRNA or protein targets. A review of the specification has not revealed where support for the recitation of one *or more* targets exists. One of skill in the art would not have viewed the teachings of the specification drawn to the use of molecules complementary to a single target and considered such molecules drawn to *more than one* target to be a part of the instant invention, and references thereto are considered to constitute new matter.

Applicants respectfully traverse the rejection. First, Applicant notes that claim 265 has been amended to recite that the nucleic acid construct **encodes** a nuclear localization sequence and antisense nucleic acid. Applicants note that on page 102, lines 11-14, it is stated

> As described elsewhere the nucleic acid component can take various forms, e.g., a nucleic acid, **a nucleic acid construct,** a nucleic acid conjugate, a virus, a fragment, a viroid, a phage, a plasmid, a vector, a bacterium, or fragment, as well as ay combination of these.

Contra to assertions made in the Office Action, "nuclear localization sequence" and snRNA is not merely taught as a sequence of interest. For example, on page 101, first paragraph it is stated

> This invention provides a composition of matter comprising a nucleic acid component which when present in a cell produces a non-natural nucleic acid product, the product comprising two elements: **a portion of a localizing entity** and a nucleic acid sequence of interest. The portion of the localizing entity is preferably sufficient to permit localization of the non natural nucleic acid product. Furthermore, the portion of **the localizing entity preferably comprises a** cytoplasmic or **nuclear localization signaling sequence.**

Additionally, it is stated on page 103, line 11-15:

> The present invention describes a method and composition for utilizing snRNAs as carrier for antisense RNA while retaining the advantageous features of snRNA for nuclear localization. The present invention utilizes removal of sequences from snRNA and their replacement with desirable sequences such as antisense or sense sequences.

A specific illustration is provided in Example 26 and Figure 41. Clearly, support is provided in the specification for a nucleic acid construct which encodes a nuclear localization sequence comprising a portion of snRNA.

Additionally, *contra* to assertions made in the Office Action, there is support for the recitation that the snRNA comprises sequences for at least two stem loops present at the 3' end of native snRNA and a reimportation signal. Additionally, there is specific recitation of C and D loops. Specifically in the paragraph bridging pages 103 and 104, it is stated:

> The correct choice of the site for replacement of a portion of the snRNA sequence should not alter the stability and **nuclear reimportation features.** Digestion of a clone of the human U1 operon with Bcl I and Bsp E II (Figure 41) eliminates a sequence of 49 bases involved in the formation of the A and B loops formed by U1 RNA (Figure 41). Removal of this sequence thus both makes room for the addition of foreign sequence and eliminates binding of some snRNP proteins thus enabling the foreign sequence to be available for antisense inhibition free of potential steric hindrance by bound proteins. **Elimination of the A and B loops should still allow formation of the C and D loops which are important for maintaining the re-importation signal (Figure 41). The continued presence of this secondary structure at the 3'end as well as binding of splicesome proteins should also have the effect of maintaining the stability of the RNA.**

Claims 268, 270, 284, 286-290 and 296 are dependent claims; claims 297-298 have been canceled. Thus, the amendment of claim 265 would overcome the rejection to these claims as well.

Applicants would like to address the assertions made with respect to claim 299. First, Applicants notes that amended claim 299 recites that the claimed multi-cassette nucleic acid construct produces more than one specific nucleic acid which is complementary with a specific portion of one or more viral or cellular RNAs or binds to a specific viral or cellular protein. Applicants note that the term "multi-cassette construct" is used throughout the specification; actually, one section, spanning pages 104-110 is entitled "7. Multi-cassette constructs". Additionally, amended claim 299 is supported by the specification on page 106, last paragraph

> In addition, the nucleic acid component can comprise either more than one promoter or more than one initiator, or both. Furthermore, the specific nucleic acid sequence products can be produced independently from either different promoters, different initiators, or combinations of both. Still further, the specific nucleic acid sequence products can be either c**omplementary to a viral or cellular RNA** or bind to a **viral or cellular protein** or a combination of such things.

In view of the amendments of claims 265 and 299, Applicants assert that the rejection of claims 265, 268, 270, 284, 286-290, 296-299 under 35 USC 112, first paragraph (written description) have been overcome. Therefore, Applicants respectfully request that the rejection be withdrawn.

2. The Rejections Under 35 USC §112, Second Paragraph

Claim 272 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Office action states

> Claim 272 recites the compositions of claim 265 that is single-stranded. However claim 265 requires at least two

stem loops in the structure. Because stem loop structures are necessarily double stranded, the requirement of claim 272 for single-strandedness cannot be met.

Applicants respectfully traverse the rejection. "Single-stranded" only refers to a single strand, but also includes a single stranded nucleic acid having some double stranded character when there is some self hybridization within this single strand.

It is asserted that claims 303-313 recite "the nucleic acid of claim 299", although claim 299 recites a nucleic acid that itself produces more than one nucleic acid. It is asserted that it is not clear which nucleic acid is being referred to. In response, Applicants respectfully point out that claim 299 has been amended to be directed to a "An isolated nucleic acid construct .....which upon introduction into a eukaryotic cell produces more than one specific nucleic acid. Therefore, it is clear what nucleic acid is being referred to in the dependent claims 303-304 and 308-313. Claims 305-307 have been canceled.

Claim 307 is missing a period. Claim 307 has actually been canceled.

In view of the above arguments and amendments, Applicants have overcome the rejections under 35 USC §112, second paragraph. Therefore, Applicants respectfully request that the rejection be withdrawn.

4. The Rejections Under 35 USC §101

Claims 245, 248-256, 260, 262, 264. 265, 268, 270, 272, 284, 286-290, 296-299, 303-313 and 317 have been rejected under 35 USC §101 because the claimed invention is directed to non- statutory subject matter.

Claims 245, 248-256, 260, 262, 264 is considered to be nonstatutory since the composition is considered to be a product of nature, because it is not claimed as being in an isolated state and the composition reads on a human being.

Applicants respectfully traverse the rejection. However, in order to advance prosecution, claim 245 has been amended to be directed to "A composition comprising a primary nucleic acid construct..". A nucleic acid construct is certainly not a product of nature or human being. Claims 248-256, 260, 262 and 264 are

dependent claims. Therefore, the amendment of claim 245 will overcome rejections of 2450256, 260, 262 and 264.

It is asserted that claims 265, 268, 270, 272, 284, 286-290 and 296-298, drawn to a composition of matter comprising a nucleic acid comprising an snRNA nuclear localization sequence operatively linked to sense or antisense nucleic acids, are considered non statutory for two reasons. First the composition is considered to be a product of nature, because it is not claimed as being in an isolated state. Second, the composition reads on a human being. Applicants respectfully traverse the rejection. However, in order to advance prosecution, claim 265 has been amended to recite "A nucleic acid construct...", which is certainly not a product of nature or human being. Claims 268, 270, 272, 286-290 and 296-298 are dependent claims; therefore the amendment of claim 265 will overcome rejections of claims 268, 270, 272, 286-290.

It is asserted that claims 299, 303–313, and 317, drawn to nucleic acids which, produce more than one specific nucleic acid which are complementary to specific portions of mRNA targets wherein the nucleic acids are RNA, DNA, or analogues thereof, or are modified, or such nucleic acids produced independently from different promoters, or different initiators, or such nucleic acids that are complimentary to viral or cellular RNA, or to means of delivery thereof. are considered non statutory for two reasons. First the composition is considered to be a product of nature, because it is not claimed as being in an isolated state. Second, the composition reads on a human being. Applicants respectfully traverse the rejection. However, in order to advance prosecution, claim 299 has been amended to be directed to "A multi-cassette construct...", which is certainly not a product of nature or human being. Claims 303-313 and 317 are dependent claims. Therefore, the amendment of claim 299 will also overcome rejections to claims 303-313 and 317.

In view of the amendments of claims 245, 265 and 299 and the above arguments, Applicants assert that the rejections of claims 245, 248-256, 260, 262, 264. 265, 268, 270, 272, 284, 286-290, 296-299, 303-313 and 317 under 35 USC §101 have been overcome. Therefore, Applicants respectfully request that the rejection under 35 USC §101 be withdrawn.

5. Rejection of Claims 245, 248-256, 260, 262 and 264 Under 35 USC § 112 (written description)

Claims 245, 248 – 256, 260, 262, and 264 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states

> The specification is not considered to provide adequate support for nucleic acids which synthesizes other nucleic acids. It is well known in the nucleic acid arts that nucleic acid synthesis is propagated by protein polymerases, and not by nucleic acids. While a primary nucleic acid may form a template for the synthesis of a secondary nucleic acid, this is not what is directly suggested by claim languages which recites a primary nucleic acid which synthesizes a secondary nucleic acid. The latter phrase would require a primary nucleic acid that it self synthesizes a secondary nucleic acid. The specification simply does not describe this. While the prior art to discloses a small subset of enzymatic nucleic acids that are capable of aminoacylation, and are thus capable of forming you the building blocks required in polypeptide synthesis, the examiner is unaware of any teachings of an enzymatic nucleic acid capable of ligating nucleic acids to form polynucleotide. Regardless, such ligation-capable nucleic acids which synthesize other nucleic acids are neither taught nor suggested in the instant specification. Accordingly, reference to primary nucleic acids which synthesize secondary nucleic acids are not considered to be supported by the teachings of the instant specification and prior art, and thereof lack written description.

Applicants respectfully traverse the rejection. However, in order to advance prosecution, claim 245 has been amended to recite that the primary nucleic acid construct acts as a template for the synthesis of a secondary nucleic acid and the secondary nucleic acid acts as a template for the synthesis of a gene product. Amended claim 245 is supported by the specification on page 95 where it is stated

> Primary Nucleic Acid Constructs can propagate Production Centers through the activity of nucleic acid polymerizing

> catalysts present as Inherent Cellular Systems. Production Centers can be RNA, DNA or a combination of RNA and DNA. They can be single stranded, double stranded or contain both single and double stranded regions. Production Centers can propagate other Production Centers and/or produce single stranded nucleic acid product with biological activity directly or through the activity of Inherent Cellular Systems.

Claims 252 and 256 have been canceled. Claims 248 – 251, 253-255, 260, 262, and 264 are dependent claims. Thus, the amendment of claim 245 would overcome the rejections of claim 248-256, 260, 262 and 264.

In view of the above arguments and amendment of claim 245, the rejection of claims 248 – 256, 260, 262, and 264 under 35 USC §112, first paragraph has been overcome. Therefore, Applicants respectfully request that the rejection be withdrawn.

6. The Rejection of Claims 290 and 296-298 Under 35 USC §112, first Paragraph (Enablement)

Claims 290 and 296-298 have been rejected under 35 USC §112, first paragraph. It is asserted that the specification, while being enabling for methods of selectively expressing a nucleic acid products in a cell culture (*in vitro),* does not reasonably provide enablement for methods of expressing the nucleic acids in a whole organism (*in vivo*).

Applicants respectfully traverse the rejection. However, in order to advance prosecution, claim 290 has been amended to incorporate the subject matter recited in claim 297. Claims 297 and 298 have been canceled. Claim 290 now recites that the composition is introduced ex vivo into said cell. Claim 296 depends from 290. Therefore, the amendment of claim 290 would also overcome the rejection of claim 296. As stated in the instant Office Action, support for amended claim 290 was provided in the Declaration submitted with the previous response.

In view of the amendment of claim 290 and the above arguments, Applicant asserts that the rejection of claims 290 and 296-298 under 35 USC §112, first paragraph have been overcome. Applicants therefore respectfully request that the rejection be withdrawn.

7. The Rejections Under 35 USC §102(b)

A number of rejections under 35 USC §102(b) were made and are detailed below.

7.1 Bebenek

Claims 245, 248-256, 260. 262. 264 and 317 have been rejected under 35 U.S.C. §102(b) as being anticipated by Bebenek at al. (J. Biol. Chem. 1989.264(28) 16948-16956). Specifically, the Office Action states:

> Bebenek et al. teaches a process of HIV replication whereby the final product is mutated from the original product. Therefore, Bebenek et al. teaches a composition comprising a primary nucleic acid (i.e. HIV infectious strand) which synthesizes a secondary nucleic acid (a double stranded DNA) which synthesizes a tertiary nucleic acid (a mutated HIV infection strand), wherein said primary nucleic acid is not obtained with said secondary or tertiary nucleic acid due to its mutation. The primary nucleic acid is single stranded, and consists of DNA and is modified. Said tertiary nucleic acid is DNA and comprises a signal processing sequence, consisting of a promoter, and wherein said gene product is a sense nucleic acid.

Applicants respectfully traverse the rejection for two reasons. First, Bebenek et al. is not a study on *in vivo* HIV replication but an artificial system. The abstract even states "if operative in vivo". There is no indication as to whether such results would be obtained when expressed in a cell. Secondly, it is actually stated in the abstract that the error rate of HIV reverse transcriptase would be about 5 mutations per genome per round of replication. Therefore, it is likely that one would obtain some genomes with no mutation. This would be *contra* to the conditions recited in claim 245 that the primary nucleic acid construct not be obtained with the secondary nucleic acid or gene product. It is well established case law that the mere fact that a certain thing may result from a given set of circumstances is insufficient to prove anticipation. *Rapoport v. Dement,* 59 USPQ2d 1215 (Fed. Cir. 2001); *Electro Medical Systems, S.A. v. Cooper Life Sciences, Inc.,* 32 USPQ2d 1017 (Fed. Cir. 1994); *Continental Can Co.*

USA Inc. v. Monsanto Co. 20 USPQ2d 1746 (Fed. Cir. 1991). Such a situation exists in the Bebenek et al. disclosure.

Claims 252 and 256 have been canceled. Claims 248-251, 253-255, 260, 262, 264 and 317 are dependent claims. Thus, the amendment of claim 245 should obviate the rejection.

In view of the above arguments, Applicants assert that the claimed construct is not anticipated by Bebenek et al. Therefore, Applicants respectfully request that the rejection be withdrawn.

7.2 The Rejection Over Panayotatos

Claims 245, 248, 249, 251-255, 260, 262 and 264, are rejected under 35 U.S.C. §102(b) as being anticipated by Panayotatos et al. (U.S. Patent Number 4,716,112). The Office Action specifically states

> Paynayotos teaches a composition comprising a primary nucleic acid (a vector) which synthesizes a secondary nucleic acid (mRNA) which synthesizes a gene product (a polypeptide) wherein said primary nucleic acid is not obtained with said secondary or tertiary nucleic acid or said gene product. The composition is double stranded and said primary nucleic acid consists of DNA, said tertiary nucleic acid is DNA, said composition comprises a signal processing sequence, wherein said signal processing sequence is a promoter, and said gene product is single-stranded. Panayatos also teaches cells thereof.

Applicants respectfully traverse the rejection. In order to advance prosecution, claim 245 has been amended to recite that the primary nucleic acid construct when introduced into a eukaryotic cell acts as a template for the synthesis of a secondary nucleic acid which acts as a template for the synthesis of a gene product **selected from the group consisting of a sense or antisense nucleic acid**. As pointed out in the rejection, the gene product obtained in Paynayotos is a polypeptide. Therefore, amended claim 245 is not anticipated by Paynayotos.

Furthermore, claims 248, 249, 251, 253-255, 262, and 264 are dependent claims; claim 252 has been canceled. Thus the amendment of claim 245 would obviate these rejections as well.

In view of the above arguments, Applicants assert that the claimed construct is not anticipated by Paynayotos et al. Therefore, Applicants respectfully request that the rejection be withdrawn.

7.3 Neuman de Vegvar

Claims 265, 268, 270, 272, 284. and 286 -298 have been rejected under 35 U.S.C. §102(b) as being anticipated by Neuman de Vegvar (Nucl. Acids Res. 1989, 17(22)9305-9318). Specifically, the Office Action states

> Newman de Vegvar teaches a nucleic acid composition capable of producing a gene product from an snRNA promoter. Wherein the gene products comprises a nuclear localization sequence comprising a portion of snRNA, wherein said portion of snRNA further comprises sequences for at least two stem loops present at the 3' end of native snRNA, which is a reimportation signal, and a sense nucleic acid. The sense or antisense nucleic acid of said composition comprises DNA, and U1 RNA which further comprise C and D loops, and is single stranded. Newman the Vegvar also teaches cells, biological systems, and processes of using thereof (see 1st line of materials and methods for example).

Applicants respectfully traverse the rejection. The nucleic acid construct recited in claim 265 is completely different from the disclosure of Neuman de Vegvar. Specifically the nucleic acid construct of the present invention encodes contains two components: (a) a nuclear localization sequence containing a portion of snRNA comprising sequences for at least two stem loops present at the 3' end of native snRNA and a reimportation signal and (b) an antisense nucleic acid (see Figure 41 for depiction of an embodiment of the claimed construct). In contrast, Neuman de Vegvar discloses the microinjection of U1 genes with deletions in the promoter region into *Xenopus laevis* and transcripts produced from these deletion mutants. There is

absolutely no disclosure of a construct containing a portion of snRNA **and** an antisense sequence (see Figure 1).

Claims 291-295 and 297-298 have been canceled. Claims 268, 270, 272, 284, 286-290 are dependent claims. Therefore, the amendment of claim 265 obviates the rejection of these dependent claims.

In view of the above arguments, Applicants assert that the claimed construct is not anticipated by Neuman de Vegvar et al. Therefore, Applicants respectfully request that the rejection be withdrawn.

7.4 Junker et al.

Claims 299 and 303, 304. and 307-313 are rejected under 35 U.S.C. §102(b) as being anticipated by Junker et al. (Antisense Res Dev. 1994 Fall;4(3); 165-72.). Specifically, the Office Action states

> Junker et al. discloses the use of a vector comprising sequences encoding two different antisense oligos targeted to HIV. Thus, Junker et al. teaches a nucleic acid which produces more than one specific nucleic acid which are nonhomologous with each other and are complimentary to a specific portion of an RNA target. Said nucleic acid comprises DNA, which is modified RNA. Junker teaches that these specific nucleic acid sequences are complimentary to a viral target, and acts as antisense RNA. Junker also teaches a means of delivering said nucleic acids to a cell.

Applicants respectfully traverse the rejection. Applicants first wish to point out that *contra* to the assertions made in the Office Action, Junker et al. actually discloses the use of a vector **containing a polymerase II-driven chimeric gene** consisting of human tRNA met sequence and either the short tat- or rev-directed antisense sequences. Thus, only one transcript is actually expressed. Tat and rev directed antisense sequences are never joined together in the same construct. In contrast, the construct recited in claim 299 actually **produces more than one specific nucleic acid transcript.** Additionally, in order to advance prosecution, amended claim 299

recites that the construct comprises either more than one promoter or one initiator or both. The vector of Junker et al. does not contain this feature.

Claims 303-304, 309-312 and 317 are dependent claims. Thus the amendment of claim 299 would overcome the rejection to these claims. Claims 305-308 and 313-316 have been canceled.

In view of the above arguments, Applicants assert that the claimed construct is not anticipated by Junker et al. Therefore, Applicants respectfully request that the rejection be withdrawn.

SUMMARY AND CONCLUSIONS

Claims 245, 248-251, 253-255, 260, 262, 264-265, 268, 270, 272, 284, 288-290, 296, 299, 303-304, 308-313 and 317 are presented for further examination. Claims 318-323 have been withdrawn. Claims 245, 251, 253, 254, 264, 265, 268, 270, 272, 284, 290, 296, 299, 303, 304, 308-313, 317-323 have been amended.

It is Applicants belief that the pending claims are in condition for allowance. However, if a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney request that he be contacted at the number provided below.

Respectfully submitted,

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